MR. K. P. KOCHUKORATHARAKAN :

236. To reduce the allotment of Rs. 98,842 for Customs by Re. 1.

MR. KANNARA GOPALA PANICKAR :

237. To reduce the allotment of Rs. 98,842 for Customs by Re. 1.

DEMAND VIII- -ADMINISTRATION OF JUSTICE.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Legal Remembrancer*): Sir, I rise to move for a grant of Rs. 11,52,237 under Demand VIII—Administration of Justice.

Motion No. 238.

MR. JOSEPH VITHAYATHIL : Sir, I beg to make the following motion :—

To reduce the allotment of Rs. 120 *for Secretary, Rule Committee—allowance by Re 1.*

Sir, the Bar Council Regulation came into force on the 15th of Thulam this year, that is, more than nine months ago. Still, the Rules relating to the enrolment of advocates have not yet been published; and, on account of this numerous Vakils and other graduates-in-law are not in a position to get themselves enrolled as Advocates. Personally, I cannot see the reason for this inordinate delay. Since it causes much hardship to many, I request the Government to see that the Rules are published early.

MR. P. V. MATHAI CHEMPARATHY : I support the motion. As has been pointed out by the mover, it is nearly a year since the Bar Council Regulation came into force and the Regulation empowers the Bar Council to frame the necessary Rules for the enrolment of advocates. I am surprised to find that the Rules have not yet been published. Many young law graduates and Vakils in the State are not now able to enrol themselves as advocates. This is therefore a great hardship to them. In fact, there are Vakils who have come down to Trivandrum with a view to get themselves enrolled as advocates and to set up practice here. Now, having shifted to Trivandrum, they are not in a position to go back to their own places and to recommence their practice there. There are also many young law graduates who want to get themselves enrolled as advocates. The matter is therefore very urgent. With these observations, I support the motion.

MR. A. THANU PILLAI : Sir, the conduct of those responsible for the delay in the framing of these Rules is certainly reprehensible. The Regulation came into force early this year, and it is several months since we have had any provision for the enrolment of advocates. And, vakils practising in the District Courts cannot get themselves enrolled in the High Court; new graduates-in-law cannot join the Bar. Then again, if in a case of great importance, an advocate from outside is to be got down here, it is impossible for him to get enrolled and to conduct the case for which he had been got down. I may refer to the

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[Mr. A. Thanu Pillai]

case of Mr. Nariman who was here in connection with Mr. A. Narayana Pillai's case. Mr. Nariman came here to defend Mr. A. Narayana Pillai. There was no rule to enable him to become an Advocate of our Court, with the result that he had to apply under certain Sections of the Criminal Procedure Code to be allowed to plead, more or less as a kind of account; and even such permission the Court refused.

Sir, this is a state of affairs which certainly no enlightened Government can view with equanimity. It was stated by the Judge in that case that there were eminent advocates in the country and that there was no need to import any one from outside. It is a well-known fact, Sir, that advocates from outside the State have been brought down here to conduct cases.

Now the question is on whom lies the blame, the responsibility for this state of affairs. It may be said that it is with the Bar Council. I am not quite sure of that. I think that the High Court is answerable. Anyhow, Sir, I wish to have the whole position cleared by the Legal Remembrancer as to how this delay has arisen. I can only say that it is a very disgraceful state of affairs and has to be remedied at once.

MR. KANNARA GOPALAPANICKAR : ബാർ കൗൺസിലിന്റെ വക്കീൽ പ്രസിഡന്റായിരുന്നതുകൊണ്ടു പൊതുജനങ്ങൾക്കു വലിയ സങ്കടം ഉണ്ടാകുന്നതല്ലെങ്കിലും അതു പരീക്ഷാവിജയികളായ മറ്റേപ്പേർക്കു സങ്കടകാരണമായിത്തീർന്നിട്ടുണ്ട്. ഇന്നു ഏതെങ്കിലും പരീക്ഷ പാസായ അവകാശം ഉദ്യോഗമോ കിട്ടുന്നില്ല. എന്നാൽ ബി. എൽ. പരീക്ഷ പാസായി ഒരു സനദെടുത്തു വ്യവഹരിക്കാമെന്നുവിചാരിച്ചാൽ അതിനും നിവൃത്തിയില്ല. എന്താണ്ടു ഒരു കൊല്ലമായി ബാർ കൗൺസിൽ ബിൽ പാസായിട്ട്. അതിനുവേണ്ട റൂളുകൾ ബാർ കൗൺസിൽ എഴുതിയുണ്ടാക്കി ഹൈക്കോടതിയിലേക്കയച്ചു എന്നും അതു ഏതാനുംനാൾ വച്ചു താമസിപ്പിച്ചശേഷം ചില അഭിപ്രായവ്യത്യാസംമൂലം ഹൈക്കോടതിതന്നെ ബാർ കൗൺസിലിലേക്കുതന്നെ അയച്ചുകൊടുത്തു എന്നുംകേൾക്കുന്നു. ഈ അഭിപ്രായവ്യത്യാസത്തിനുണ്ടായ ഹേതു എന്താണെന്നു സൂക്ഷ്മമായി അറിയാൻ നിവർത്തിയില്ല. എന്തായാലും, ഇവർ തമ്മിലുള്ള ഈ അഭിപ്രായവ്യത്യാസം മൂലം പരീക്ഷാവിജയികളായ അനവധി അവകാശം വളരെ ബുദ്ധിമുട്ടുന്നു എന്നുള്ള സംഗതി ഗവണ്മെന്റു ആലോചിക്കേണ്ടതാണ്. ഏതെങ്കിലും ഒരു രാജ്യത്തിനു യോഗ്യനായ ഒരു ക്രിമിനൽകേസുവിദഗ്ധനെ വരുത്തി വ്യവഹരിപ്പിക്കുന്നതിനുള്ള സൗകര്യമില്ലാത്ത ഒരു രാജ്യം പരിഷ്കൃതരാജ്യം എന്നഭിമാനിക്കുന്ന ഈ തിരു

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വിതാംകൂർ അല്ലാതെ വേറെ ഏതുണ്ടെന്നു ഞാൻ ചോദിക്കുന്നു. ഏതൊരു പരിഷ്കൃതരാജ്യത്തും ക്രിമിനൽകേസിലെ ഒരു പ്രതിക്കു അയാൾക്കു ഇഷ്ടമുള്ള ഒരാളിനെ വക്കീലായി നിയമിക്കാനുള്ള അവകാശം അംഗീകരിച്ചുകൊടുക്കാൻ പാടില്ലാത്ത ഒരു അവകാശമായി ഗണിച്ചിട്ടുണ്ട്. എന്നാൽ ഇവിടെ മി. ഏ. നാരായണപിള്ളയുടെ കേസിൽ അദ്ദേഹത്തിന്റെ ഇഷ്ടപ്രകാരം ഒരു സുപ്രസിദ്ധവക്കീലായ മി. നരിമാനെ തന്റെ വക്കീലായി നിയമിക്കാനുള്ള സൗകര്യം ബാർ കൗൺസിൽ റൂളുകൾ നിമ്മിക്കാത്തതുകൊണ്ടു അദ്ദേഹത്തിന് ഇല്ലാതെവന്നു. ഇപ്പോഴും അതിനു ഏതാണ്ടു കുഴപ്പങ്ങളെല്ലാം ഉണ്ടെന്നറിയുന്നു. ബാർ കൗൺസിൽ റൂളുകൾ നടപ്പിൽ വരുവാൻ ഇത്രവളരെ താമസം വരുത്തുന്നതിന്റെ ഉത്തരവാദികൾ ആരാണെന്നു ഗവണ്മെൻറു ഏറ്റവും വേഗത്തിൽ കണ്ടുപിടിച്ചു ഉടനെ അതു നടപ്പിൽവരുത്തി, ഇതുമൂലം വിഷമതകൾ അനുഭവിക്കുന്ന അനവധി അഭിഭാഷകരുടെ ബുദ്ധിമുട്ടുകൾ ഇല്ലാതാക്കണമെന്നു ഞാൻ അപേക്ഷിക്കുന്നു. പല അപേക്ഷകളും ഫീസ് അടച്ചു കഴിഞ്ഞതിനുശേഷവും ഈ കാര്യം പറഞ്ഞു തള്ളിയതായി എനിക്കറിയാം. അതിനാൽ ഇക്കാര്യത്തിൽ ഗവണ്മെൻറ് വേണ്ടവിധം ശ്രദ്ധിക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു.

MR. E. SUBRAMONIA AIYAR : I rise to make a few observations on the matter because it pertains to the profession of law. I am sure every one here will grant that, with the passing of the Bar Council Regulation, a new situation has arisen; the old Rules for the enrolment of advocates have been superceded and the power to make Rules in that behalf has been vested in the Bar Council an autonomous body. There is also the Honourable the High Court who according to me - and I am sure according to them—are as much interested in upholding the dignity and integrity of the Bar as the members of the Bar themselves. Therefore, though not exactly in the matter of the actual framing of the Rules, at least in the matter of giving them a shape or form as it were, the High Court also have a hand. Any person who has read the Bar Council Regulation will appreciate that, in the matter of framing these Rules, the High Court and the Bar Council have to co-operate with each other. I may assure the House that the Bar Council and the High Court are co-operating in that behalf to produce the necessary result. In these matters, in which discussion and exchange of views are inevitable, there is possibility for difference of opinion. As I said, there has been complete co-operation between the High Court and the Bar Council in the matter of framing these Rules as expeditiously as possible. While emphasising that there is such co-operation, I may also point out—I do not want to hide facts from any body; I am also a member of the Bar Council—that, naturally,

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[Mr. E. Subramonia Aiyar.]

there are some differences of opinion; and we are endeavouring to reconcile them. For the information of the House, I may say that even to-day we have a meeting of the Bar Council when we hope to carry the Rules which have been already framed by the Bar Council. In fact, if I remember right, the Bar Council framed the Rules even before the summer vacation, and the Rules were sent up to the High Court before they closed for the vacation. But, unfortunately, they closed very soon afterwards. After reopening, they have considered the Rules and have expressed their views on them. I am sure it is not expected that the Bar Council should blindly accept the suggestions or the views propounded by the High Court. I do not think any honourable member is going to stand up and say that, for the purpose of expedition, the Bar Council should blindly accept all that the High Court has stated, or disregard the views of the High Court altogether. Certainly, nothing will be gained by adopting such a course; because, as I said, these two bodies, the High Court and the Bar Council, must act together and co-operate. Any person who has some experience of courts will admit that no two lawyers will agree; sometimes they differ even on fundamentals. Exchange of views, discussion of policy are required in these matters.

Sir, I am placing these facts before the House with the object of showing to them how anxious the members of the Bar Council are in this matter. Certainly, we do not want to exclude anybody who is qualified to become an advocate. But, during the transition period, when a new machinery has been brought into existence, it is not fair to call upon such machinery to act immediately. Sir, the Bar Council also is composed of human beings. There is no use framing some kind of rules and throwing them at the public. We do not want to discharge our responsibilities like that. Before passing the Rules, we want to take into account local conditions, the present position of the Bar and such other matters. Certainly, when a matter like this is entrusted to the Bar Council, I hope the public expects the Bar Council to consider the matter carefully and honestly. The same amount of care and anxiety is expected from the High Court as well. I am glad that this matter has come before this House. No doubt, there is some delay, but I may assure the honourable members that before long the rules will be published.

MR. KOTTALIL P. ABRAHAM: If the views of the High Court and the views of the Bar Council differ, may I know which views will prevail?

MR. E. SUBRAMONIA AIYAR: All that I can say is that there is mutual exchange of views and I am not going to say anything which will make any difference of opinion, even if there is such a difference of opinion, wider. Those differences will disappear and we shall be able to bring about the desired result.

MR. A. THANU PILLAI: I wish to know when the honourble member hopes to see that the rules come into operation.

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MR. E. SUBRAMONIA AIYAR : My hope is, if it has got any value, that they may be published within a fortnight.

MR. E. JOHN PHILIPOSE : Since the commencement of the budget session I had not, for reasons of my own, participated in any of the discussions in the House, but I am called upon to do so to-day in view of the remarks made by Mr. E. Subramonia Aiyar, my learned friend and colleague in the Bar Council. He is senior to me and more experienced and he has put things in a very diplomatic way. I do not in the least desire to go into the details of the transactions that are now going on between the Bar Council and the High Court. All that I wish to say, as representing the Bar Council, is that I may assure this House that the Bar Council has not been responsible for any delay in framing the rules. I may also state that if in respect of any difference of opinion between the Bar Council and the High Court the Bar Council, as representing the dignity and integrity of the Bar, will always see to it that dignity and integrity are maintained. That is all I wish to say.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, it is very much regretted that after having conferred statutory power on two responsible bodies this House has now been called upon to answer a charge levelled against one or other of them.

PRESIDENT : Order, order. This is a charge levelled against Government.

MR. PUTHUPALLI S. KRISHNA PILLAI : That is what I am coming to, Sir. A reading of the Bar Council Regulation will clearly show that Government as such have no part in the matter and except perhaps that in all matters concerning the administration either of justice or of law or of any other department which forms part of Government, Government have got a right to give direction and to see that laws, regulations and rules are conformed to. Government have nothing to do in this matter. Apart from that, Sir, the responsibility is the responsibility vested in the High Court and the Bar Council. Under Section 9 of the Bar Councils Regulation, which is the Section which appears to have given room for this controversy, it is provided that— "The Council may, with the previous sanction of the High Court make rules to regulate the admission of persons as advocates." That is Section 9 and that power has to be exercised by the Bar Council with the previous sanction of the High Court. So far as Government are concerned, they have discharged their obligation with regard to the bringing into force of this regulation after His Highness the Maharaja's sanction has been obtained by framing proper rules and publishing them in the Government Gazette. Those rules have been framed and published in the Government Gazette, dated 15th Thulam 1113, within a very short time of the coming into force of the regulation. Election was conducted. The Bar Council was constituted. A room was provided. Every thing that was necessary for enabling the Bar Council to carry on their work was done by Government.

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[Mr. Puthupalli S. Krishna Pillai.]

Next comes the question as to how Section 9 has to be brought into operation. Section 9, as I read out, prescribes that the Council may with the previous sanction of the High Court make rules. Honourable members must have listened to the statement made by Mr. E. Subramonia Aiyar on the one hand, a member of the Bar Council and to the statement made by the honourable member Mr. John Philipose, another member of the Bar Council in defence in a way of the action either of the Bar Council or of the High Court. This is what is reported to have transpired. The rules were drawn up and sent to the High Court. The High Court did consider the rules and they, in virtue of the power conferred upon them to sanction the rules, have made certain alterations and proposed certain amendments to the rules. So far as Government are concerned they have only to interpret the Section in the manner in which it has to be iterpreted. The Section says "The Bar Council may, with the previous santion of the High Court." It should not appear that the bringing into existence of the Bar Council has made it completely autonomous, autonomous not only of Government but of the High Court itself. Their rules have to be framed subject to the previous sanction of the High Court. Under the Vakils' Regulation which was in force before the coming into operation of the Bar Council's Regulation, it was the High Court who should decide as to who should be enrolled as advocates. In regard to the conferment of sannads, the prescriptions of the qualifications for enrolment as advocates it has not been left entirely to this autonomous body. The Section says "With the previous sanction of the High Court". This is not the only statutory provision conferring restricted powers on autonomous bodies that have been brought into existence to function in the State.

MR. E. JOHN PHILIPOSE: On a point of order. I should like to know whether the learned member is in order in expressing his views on a matter which is under consideration by the High Court and the Bar Council.

PRESIDENT: Order, order. The position, I take it, is this. The motion for reducing the allotment of Rs. 120 for Secretary, Rule Committee allowance by Re. 1 to discuss the urgent necessity for publishing the rules relating to the enrolment of advocates is brought for the purpose of drawing the attention of Government to this delay and certain speeches have been made on that basis. As representing the Government I take it that the object of the Legal Remembrancer is to point out that Government cannot be answerable for the delay. I take it that the Legal Remembrancer is developing that point.

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, Sir. No inordinate delay has happened in this matter and no circumstance has come into existence.....

PRESIDENT: Order, order. I may for the information of the House, say that any interpretation of any statute or any exposition of the meaning of any statute made by or on behalf of Government even if it is so made, can be binding on either the Bar Council or the High Court.

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MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, Sir. But the Government are bound to see that their demand is granted to them without any reduction and a token motion made here, if carried, will operate as a censure motion on Government. Therefore, as representing Government, I am bound to place before the House all relevant facts relating to the matter.

MR. E. JOHN PHILIPOSE: I should like to know whether the Legal Remembrancer is in official possession of the information he is developing, namely, that the High Court has returned those rules to the Bar Council subject to certain amendments.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, without official information, it should not be supposed that I, as representing Government, would make any remark on the floor of this House. The honourable member is out of order if he suggests that I am speaking without official information.

PRESIDENT: I take it that when honourable members speak on behalf of Government, they, when they receive motions of this kind, get the necessary information from the various departments with regard to what has happened and I presume that he is speaking on the basis of that information.

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, Sir. On every motion that has been received, on behalf of Government information was sought for and obtained from the various departments.

PRESIDENT: The honourable member will proceed.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, as I pointed out, one learned member who is a member of the Bar Council just now stated that the Bar Council had framed the rules and had submitted them to the High Court for their scrutiny. These were scrutinised by the High Court immediately after the mid-summer recess and the High Court have exercised the power that is vested in them under Section 9 of the Bar Council's Regulation and they made certain observations and returned the rules to the Bar Council. It is now for the Bar Council and the High Court to bring into force the rules that have now been framed. There may have been some differences of opinion in the matter but that difference of opinion will have to be determined only by the Bar Council and the High Court. No one can deny that. By way of analogy I may draw the attention of the House to the provision contained in the Municipal Regulation Section 244 where similar power is being exercised by Government Municipalities, as is known to all people, are autonomous bodies which exist for the purpose of administering certain affairs relating to the local areas comprised in the municipalities. They are authorised to frame bye-laws. But those bye-laws are authorised to be framed subject to the sanction of Government. There is the sanctioning authority of Government above the municipalities. It cannot be said that even though municipalities are autonomous they are autonomous of Government. The scope of Section 9 of the Bar Council's Regulation is not much different from the other. The Bar Council on the one hand and the High Court on

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[Puthupalli S. Krishna Pillai.]

the other, it would appear, are trying to bring into effect certain rules. There might have been some differences of opinion between the two. But it is not a matter which can ultimately set at naught the provisions or the power under the Regulation vested in the High Court. The rules will have to be brought into effect with the sanction of the High Court and if the High Court say that they cannot agree over a particular matter, then it is a matter for the Bar Council and the High Court to come to some agreement. The delay is not one which can be attributed to Government. Whatever delay there might have been is a matter for which Government cannot be held responsible.

MR. M. G. MATTHEW: May I know what the honourable members would suggest if the High Court and the Bar Council disagree and do not come to an agreement?

MR. PUTHUPALLI S. KRISHNA PILLAI: In cases where there are disagreements, the statute must contain some provision for removing them. There must be some provision and that provision will come to light immediately.

MR. M. G. MATTHEW: May I know whether that provision is contained in the Bar Council Rules?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes.

MR. A. THANU PILLAI: Is it the position of the honourable member that the Government have no responsibility so far as this matter is concerned?

MR. PUTHUPALLI S. KRISHNA PILLAI: The responsibility of Government will come in when there is a tie between one or other of the bodies connected with the working of the provisions.

MR. A. THANU PILLAI: My question is whether it is the position of the honourable member that the Government have no responsibility in respect of the delay caused in the matter.

MR. PUTHUPALLI S. KRISHNA PILLAI: If there is a delay certainly the Government will have to interfere. So far as this matter is concerned it is the Government's view that there has been no delay.

MR. E. JOHN PHILIPOSE: Where the matter is governed by a statute is it possible for the Government to take any action that is not authorised by the statute?

PRESIDENT: I think we are going into very extraneous matters.

MR. E. JOHN PHILIPOSE: I agree with you, Sir.

PRESIDENT: The honourable member cannot agree with the Chair. It is entirely an extraneous matter. What the powers of Government are, whether they have any powers in the case of statutes, whether they have the power to interfere in cases of conflict of opinion between two bodies, whether there is any *ratio residenti*,—these are all extraneous matters.

MR. S. KRISHNA AIYAR (*Nominated*): May I know from the member whether the inclusion of the words 'with the previous sanction of the High Court' is the cause for the present impasse?

MR. PUTHUPALLI S. KRISHNA PILLAI: They are the words in the statute and bind all.

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MR. S. KRISHNA AIYAR: May I know whether this House is not responsible for the words "with the previous sanction of the High Court"?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, Sir. The principle was discussed and affirmed by this House. The High Court is the final authority in regard to the enrolment of the vakils and the prescription of qualifications for the vakils. It was decided that the Bar Council could not be made independent of the High Court. An autonomous body has been brought into existence and that being the case.....

MR. M. G. MATTHEW: May I know what is the position of the Bar Council in British India?

MR. PUTHUPALLI S. KRISHNA PILLAI: So far as this Government is concerned, the question now before this House is about the Travancore Bar Council Rules.

PRESIDENT: The honourable member wants to know whether the Bar Council Rules obtaining in British India is the same as of Travancore.

MR. PUTHUPALLI S. KRISHNA PILLAI: So far as my information goes the same powers are exercised by the High Court in Madras in regard to the Bar Council there.

MR. JOSEPH VITHAYATHIL: In the light of the discussion that has taken place I do not propose to press the motion.

The motion was, by leave of the House, withdrawn.

Motion No. 239.

MR. N. JOHN JOSEPH: I move.

To reduce the allotment of Rs. 46,436 for Indexer and Law Reporter etc., by Re. 1.

ഇൻഡെക്സും ലാറിപ്പോർട്ടറും ഇനത്തിലേക്ക നീക്കിവച്ചിട്ടുള്ള രണ്ടരലക്ഷം രൂപായിൽ നിന്നും ഒരു രൂപാ കുറയ്ക്കണമെന്നുള്ള ഉപക്ഷേപത്തെ ഞാൻ ഇവിടെ അവതരിപ്പിച്ചുകൊള്ളുന്നു. ഈ ഉപക്ഷേപം അവതരിപ്പിക്കുന്നതിന്റെ ഉദ്ദേശം ജൂഡിഷ്യൽഡിപ്പാർട്ടുമെന്റിൽ പിന്നോക്കസമുദായത്തിൽപ്പെട്ട പരീക്ഷായോഗ്യതയുള്ളവർക്ക് പ്രവേശനം ലഭിക്കുന്നില്ല എന്നുള്ള സംഗതി ഗവണ്മെന്റിന്റെ ശ്രദ്ധയിൽകൊണ്ടുവരുന്നതിനാണ്. ഹൈക്കോടതിയിലെ നിയമനത്തിനും പരീക്ഷായോഗ്യതയുള്ളവർ പിന്നോക്കസമുദായത്തിലുണ്ട്. പബ്ലിക്ക് സർവീസ് കമ്മീഷണരുടെ റൂൾസ് വരുന്നതിനുമുൻപുതന്നെ പരീക്ഷായോഗ്യതയുള്ളവർക്കും ഇല്ലാത്തവർക്കും ഹൈക്കോടതിയിൽ ഉദ്യോഗം കൊടുക്കണമെന്ന മുറവിളിക്കൂട്ടിക്കൊണ്ടിരിക്കുകയായിരുന്നു. അപ്പോഴും പിന്നോക്കസമുദായത്തിൽപ്പെട്ടവരെ ഹൈക്കോടതിയിൽ പ്രവേശിപ്പിച്ചിട്ടില്ല. മുൻസിഫ് കോടതിയിലും മജിസ്ട്രേട്ടുകോടതിയിലും ഉള്ള സ്ഥിതിയും അതുതന്നെയാണ്. ഗവണ്മെന്റിൽനിന്നും ചെയ്യുവരുന്ന സഹായസഹകരണങ്ങൾ

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കൊണ്ട് ഇ. എസ്. എൽ. സി. പരീക്ഷയും ബീ. എ. പരീക്ഷയും പാസായവർ ഈ ക്ലൂട്ടത്തിലുണ്ട്. ഇപ്പോഴാണ് പബ്ളിക്ക് സവീസ് കമ്മീഷണരുടെ രൂപംകൊണ്ടു ചില നിർബന്ധങ്ങളുണ്ടാക്കിവച്ചതു്. ഒരുമാസമോ അതിൽ കൂടുച്ചോ ഉള്ള ഒഴിവുകളിൽ ഡിപ്പാർട്ടുമെൻറൽ ഹെഡ്സ്തന്നെ നിയമനം നടത്തിവരുന്ന ഒരു വ്യവസ്ഥ ഇപ്പോഴും നടക്കുന്നുണ്ട്. ഈ വ്യവസ്ഥയുംപ്പെട്ടു് പ്രവേശനം ലഭിച്ചു് അക്ക്വറിംഗായി ജോലിനോക്കിയെങ്കിൽ മാത്രമെ അവർ പബ്ളിക്ക് സവീസ് കമ്മീഷണരുടെ ലിസ്റ്റിൽപെടുകയുള്ളു. ഇങ്ങനെ ഡിപ്പാർട്ടുമെൻറു് ഹെഡ്സ് നടത്തുന്ന നിയമനങ്ങളും സ്വന്തസമുദായത്തിൽപെട്ടവർക്കും മറുവിധത്തിൽ താല്പര്യമുള്ളവർക്കും മാത്രമെ ലഭിക്കയുള്ളു എന്നവന്നാൽ പുറമെ നിൽക്കുന്ന പരീക്ഷായോഗ്യതയുള്ളവർ പിന്നോക്കവർഗക്കാർക്കു പബ്ളിക്ക് സവീസ് കമ്മീഷണരുടെ ലിസ്റ്റിൽ ഉംപ്പെടാൻ സാധിക്കാതെവരുന്നതാണു്. ഈ സംഗതി ഡിപ്പാർട്ടുമെൻറിൽ ഹെഡ്സിനെ ധരിപ്പിക്കണമെന്നുള്ളതാണു എന്റെ പ്രതീക്ഷ. അതുകൊണ്ടു് ഹൈക്കോർട്ടിലും, മുൻസിഫ് കോടതികളിലും, ജില്ലാക്കോടതികളിലും, മജിസ്ട്രേട്ടുകോടതികളിലും മറും ഉണ്ടാകുന്ന അല്പകാലത്തെ ഒഴിവുകളിൽ പുറമെ നിൽക്കുന്ന പരീക്ഷായോഗ്യതയുള്ള പിന്നോക്കസമുദായക്കാരെ നിയമിച്ചു് പബ്ളിക്ക് സവീസ് കമ്മീഷണരുടെ ലിസ്റ്റിൽ അവർക്ക് അക്ക്വിറ്റിംഗ്കാരായി സ്ഥലംപിടിക്കുന്നതിനുള്ള സൌകര്യം ഉണ്ടാക്കിക്കൊടുക്കുന്നതിനു വേണ്ട ഏർപ്പാടു ചെയ്യണമെന്നു ഞാൻ ബഹുമാനപ്പെട്ട ഗവണ്മെൻറിനെ ഉൽബോധിപ്പിച്ചുകൊള്ളുന്നു. പബ്ളിക്ക് സവീസ് കമ്മീഷണരുടെ രൂപംതന്നെ പിന്നോക്കസമുദായക്കാരുടെ പരീക്ഷായോഗ്യതയനുസരിച്ചു ഉദ്യോഗത്തിൽ പ്രവേശിക്കുന്നതിനു വളരെ പ്രതിബന്ധമായിരിക്കുന്ന സ്ഥിതിക്കു് ഓരോ ഡിപ്പാർട്ടുമെൻറിലും ഉണ്ടാകുന്ന അക്ക്വിറ്റിംഗ് ഒഴിവുകളിൽ ഇവരെക്കൂടി ഉൾപ്പെടുത്തിയില്ലെങ്കിൽ അവർക്കു് ഒരിക്കലും പബ്ളിക്ക് സവീസിൽ പ്രവേശനം സിദ്ധിക്കുകയില്ല എന്നുള്ള സംഗതി ഗവണ്മെൻറു് പ്രത്യേകം ശ്രദ്ധിക്കേണ്ടതാണു്. അതുകൊണ്ടു് പ്രാതിനിദ്ധ്യമില്ലാത്ത പിന്നോക്കസമുദായക്കാരുടെ കാര്യത്തിൽ വേണ്ടതു ശ്രദ്ധിച്ചു പ്രവർത്തിക്കുമെന്നു വിശ്വസിക്കുന്നു. അതു ളിനേയും സമുദായത്തിനേയും നോക്കിയുള്ള നിയമനമാണു് ഇപ്പോൾ നടക്കുന്നതു്. ജില്ലാക്കോർട്ടിലും മജിസ്ട്രേട്ടുകോർട്ടിലും മറും ശിപായിമാരായി ഇവരെ നിയമിക്കണമെന്നു വ്യവസ്ഥയുണ്ടായിട്ടും ഇപ്പോഴും അങ്ങനെ ചെയ്യുവരുന്നില്ല. അതുകൊണ്ടു് ഈ കാര്യത്തിൽ പ്രത്യേകം

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ശ്രദ്ധിച്ച് ജുഡിഷ്യൽ ഡിപ്പാർട്ടുമെൻറിൽ പൂണ്സായിട്ടും മൊച്ചിയായിട്ടും നിയമനം നടത്തുന്ന കാര്യത്തിൽ പ്രത്യേകം നിഷ്കർഷിക്കണമെന്നപേക്ഷിച്ചുകൊണ്ട് ഈ ഉപക്ഷേപത്തെ ഇവിടെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

MR. T. T. KESAVAN SASTRI : ഞാൻ ഈ ഉപക്ഷേപത്തെ അനുകൂലിച്ചുകൊള്ളുന്നു. ജുഡിഷ്യൽ ഡിപ്പാർട്ടുമെൻറിലെ ഏറ്റവും താണതരം ഉദ്യോഗങ്ങളിൽ ക്ലാർക്കുജോലിയിലും പൂൺജോലിയിലും മറ്റും പിന്നോക്കസമുദായത്തിൽപെട്ടവരെ നിയമിച്ച് പ്രോത്സാഹിപ്പിക്കണമെന്നു അറിയിക്കുന്നതിനുവേണ്ടിയാണു ഞാൻ ഈ ഉപക്ഷേപത്തെ പിൻതാങ്ങുന്നത്. ബഹുമാനപ്പെട്ട ദിവാൻ മി: വാട്ട്സ് പോപ്പുലർ അസംബളി നിവേദനത്തിന് പിന്നോക്കസമുദായങ്ങളിൽപെട്ടവരെ തിരുവതാംകൂറിലുള്ള എല്ലാ ജുഡിഷ്യൽ കോടതികളിലും യോഗ്യതാനുസരണം നിയമിക്കേണ്ടതിനെക്കുറിച്ച് ഒരാഡർ പുറപ്പെടുവിച്ചിട്ടുള്ളതായിട്ടാണെൻറെ ഓർമ്മ. എന്നാൽ അന്നുമുതൽ ഇന്നുവരെയുള്ള നിയമനങ്ങളെ ശരിയായി പരിശോധിച്ചുനോക്കുന്നതായാൽ ഗവണ്മെൻറു ഇതിൽ ശ്രദ്ധിച്ചിട്ടില്ലെന്നു കാണാം. കേവലം കൈവിരൽകൊണ്ടു എണ്ണപ്പെടാവുന്ന കുറച്ചു പേർക്കുമാത്രം വെറും പൂൺജോലിതന്നെ കൊടുത്തിട്ടുള്ളതും യോഗ്യതയുള്ളവരുണ്ടായിരുന്നിട്ടും ഈ ഡിപ്പാർട്ടുമെൻറിൽപെട്ട കോടതികളിൽ ഓരോ പൂണുമാരെയെങ്കിലും നിയമിച്ചിട്ടില്ലാത്തതു് പരിതാപകരമായ ഒരു സംഗതിയാണു. ഡിപ്പാർട്ടുമെൻറ് മേലധികാരികൾക്കുതന്നെ ഈ നിയമനങ്ങൾ നടത്തുന്നതിനു അധികാരമുണ്ടായിരുന്ന കാലത്തും അവരുടെ ദാക്ഷിണ്യവും ഇവരുടെ പേരിൽ പതിഞ്ഞിട്ടില്ല. നിയമനാധികാരികൾ സദയം ഗൗനിച്ചിരുന്നുവെങ്കിൽ പിന്നോക്കസമുദായത്തിൽപെട്ട പലർക്കും ശരിയായ പ്രവേശനം ലഭിക്കുമായിരുന്നു. ഇപ്പോഴത്തെ അവസ്ഥ വളരെ കഷ്ടം. പബ്ളിക്ക് സർവീസ കമ്മീഷണരുടെ നിയമനരീതി പൊതുവെ ബാധകമായിത്തന്നെ തീർന്നിട്ടുണ്ടു. പിന്നോക്കസമുദായക്കാർക്കു പ്രത്യേകസൌജന്യവും ഗവണ്മെൻറനുവാദവും ഉണ്ടാകുമെങ്കിൽ ഈ ഡിപ്പാർട്ടുമെൻറിൽ ഇനിയുമെങ്കിലും പ്രവേശനം ലഭിക്കും. അല്ലാത്തപക്ഷം അനുഭവം ഇതുതന്നെയായിരിക്കും. മജിസ്ട്രേട്ടന്മാരായും തഹശീൽദാരന്മാരായും ഹൈക്കോടതി ജഡ്ജിയായിട്ടുതന്നെയും ഓരോ സമുദായങ്ങളിൽനിന്നും നിയമനം നടത്തുവാൻ അർഹതയുള്ളവർ വാദിക്കുന്നു. എന്നാൽ താണതരം ക്ലാർക്ക്, അറൻറർ, പൂൺ എന്നീ ഉദ്യോഗങ്ങളിൽ പിന്നോക്കസമുദായത്തിൽപെട്ടവരെ നിയമിക്കണമെന്നാണ് ഞങ്ങൾ ഗവണ്മെൻറിനെ അറിയിക്കുന്നതു്. പ്രത്യേകിച്ച് ഇവ

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[Mr. T. T. Kesavan Sastri.]

ടത്തെ ജാതിയുടെ രീതിയും അവരുടെ അവശതകളും അവകാശങ്ങളും ശരിയായി അറിയാൻ നിവൃത്തിയില്ലാത്ത പബ്ലിക്ക് സർവീസ് കമ്മീഷണർ സായിപ്പിനെ നിയമനവിഷയത്തിൽ വേണ്ട നിർദ്ദേശം നൽകുന്നതിന് ബഹുമാനപ്പെട്ട ഗവണ്മെന്റ് ശ്രദ്ധിക്കുകയും മേലാലെങ്കിലും പുലയർ മുതലായ പിന്നോക്കസമുദായങ്ങളിൽപെട്ടവരുടെ പ്രസ്തുതസങ്കടത്തിന് ശരിയായ പരിഹാരമുണ്ടാക്കത്തക്കവിധത്തിൽ വേണ്ടത് പ്രവർത്തിക്കുകയും ചെയ്യണമെന്നാപേക്ഷിച്ചുകൊണ്ട് ഈ ഉപക്ഷേപത്തെ ഞാൻ അനുകൂലിക്കുകയാകുന്നു.

MR. KAVIYOOR K. K. KOCHUKUNJU : ഈ ഉപക്ഷേപത്തെ ഞാൻ അനുകൂലിക്കുന്നു. ജൂഡിഷ്യൽ ഡിപ്പാർട്ടുമെൻറിൽ പിന്നോക്കസമുദായത്തിൽപെട്ടവർക്കുള്ള പ്രാതിനിദ്ധ്യക്കുറവിനെ നിശ്ശേഷം ഇല്ലാതാക്കുന്നതിന് ഉടനടി ബഹുമാനപ്പെട്ട ഗവണ്മെൻറ് വേണ്ടത് ചെയ്യുമെന്നുള്ള പ്രതീക്ഷയോടുകൂടി പ്രധാനപ്പെട്ട ഏതാനും സംഗതികൾ ഗവണ്മെൻറിന്റെ ശ്രദ്ധയിൽ ഞാൻ കൊണ്ടുവരുന്നു. പിന്നോക്കസമുദായത്തിൽപെട്ടവർക്ക് വേറും സേവാവൃത്തിചെയ്യുന്ന ശിപായിഉദ്യോഗം പോലും ഈ ഡിപ്പാർട്ടുമെൻറിൽ ലഭിക്കുന്നില്ല എന്നുള്ളതു വളരെ സങ്കടകരമാണ്. പബ്ലിക്ക് സർവീസ് കമ്മീഷണരുടെ നിർദ്ദേശമനുസരിച്ചു പിന്നോക്കസമുദായത്തിൽപെട്ടവർ അക്കിടിംഗ് സർവീസിൽ പ്രവേശിച്ചാൽമാത്രമെ മേലാൽ അവർക്ക് ഉദ്യോഗം ലഭിക്കുകയുള്ളു എന്നാണു ഞാൻ അറിയുന്നത്. എന്നാൽ ഇപ്പോഴത്തെ നയം അവർക്ക് അക്കിടിംഗ് സർവീസിൽപോലും പ്രവേശിക്കുന്നതിനു സൌകര്യം ലഭിക്കാതെയാണിരിക്കുന്നതു. വിദ്യാഭ്യാസവും മറുവിധത്തിലുള്ള സംസ്കാരവും ലഭിച്ചിട്ടുള്ളവരും പബ്ലിക്ക് സർവീസിൽ അമിതമായ പ്രാതിനിദ്ധ്യം കിട്ടിയിട്ടുള്ളവരുമായ ധാരാളം അക്കിടിംഗുകാർ ഇപ്പോൾ പബ്ലിക്ക് സർവീസ കമ്മീഷണരുടെ ലിസ്റ്റിൽപെട്ടുകിടക്കുന്നുണ്ട്. അവരുടെയെല്ലാം നിയമനം കഴിഞ്ഞതിനുശേഷമേ പിന്നോക്കസമുദായങ്ങളിൽനിന്നു ഇദംപ്രഥമമായി വിദ്യാഭ്യാസംചെയ്തു പരീക്ഷാവിജയികളായിട്ടുള്ള ഉദ്യോഗാർത്ഥികൾക്ക് ഉദ്യോഗം ലഭിക്കുകയുള്ളു എന്നു വന്നാൽ അതു വിഷമകരമായ ഒരവസ്ഥയാണെന്നു പറയാതെ നിവൃത്തിയില്ല. അതുകൊണ്ടു പിന്നോക്കസമുദായത്തിൽപെട്ടവരെ പ്രോത്സാഹിപ്പിയ്ക്കുന്നതിന് ഇപ്പോൾ അമിതമായ പ്രാതിനിദ്ധ്യം കിട്ടിയിട്ടുള്ള ചില സമുദായക്കാരെ ഞങ്ങൾക്കുവേണ്ടി അല്പകാലത്തേക്കു മാറിവച്ചിട്ടു പിന്നാക്കസമുദായക്കാരെ പ്രോത്സാഹിപ്പിക്കാത്തകാലത്തോളം ഇദംപ്രഥമമായി വിദ്യാഭ്യാസംചെ

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യ്ക്ക് പരീക്ഷാവിജയികളായിട്ടുള്ള ആളുകൾക്ക മുന്നാട്ടുവരുന്നതിനു സാ ദ്ധ്യമല്ലെന്നുമാത്രമല്ല വിദ്യാഭ്യാസവിഷയത്തിൽ ഇന്നവർക്കുണ്ടായിട്ടുള്ള ശ്ര ദ്ധയെക്കുടി അതു സാരമായി ബാധിക്കുന്നതാണ്. ഈ നാട്ടിലെ അവശ സമുദായങ്ങളുടെ സംരക്ഷണത്തിനു ഗവണ്മെൻറിൽനിന്നും പലവിധ ത്തിലുള്ള പ്രോത്സാഹനങ്ങൾചെയ്തുവരുന്നുണ്ട്. അങ്ങനെയുള്ള പ്രോത്സാ ഹനങ്ങൾ പോലെതന്നെയും ഉദ്യോഗനിയമനവിഷയത്തിലും വേണ്ട പ്രോത്സാഹനം ചെയ്തില്ലെങ്കിൽ അവരുടെ ഇന്നത്തെ വിദ്യാഭ്യാസ നില മന്ദീഭവിക്കുന്നതിനും നിരുത്സാഹികളായിത്തീരുന്നതിനും കാര ണമാകുന്നതാണ്. അതുകൊണ്ടു ബഹുമാനപ്പെട്ട ഗവണ്മെൻറിൻെറ ശ്രദ്ധയിൽ ഒന്നുനിക്ഷേ കൊണ്ടുവരുവാനുള്ളത് ഉദ്യോഗകാര്യത്തിൽ വ ളരെ അവശത അനുഭവിക്കുന്ന സമുദായക്കാർക്ക്, ഇന്നു അമിതമായ പ്രാതിനിധ്യം കിട്ടിയിട്ടുള്ളവരുടെ നിയമനങ്ങൾ കുറെ മാറിവച്ചിട്ടുപി ന്നോക്കസമുദായക്കാർക്ക കൂടുതൽ പ്രോത്സാഹനം കൊടുത്തു അവരെ സ മർത്ഥരായിക്കണമെന്നുള്ള അപേക്ഷയോടുകൂടി ഈ ഉപക്ഷേപത്തെ ഞാൻ പിൻതാങ്ങുന്നു.

MR. P. V. MATHAI CHEMPARATHY: Sir, I support the motion. My object is to bring to the attention of Government that sufficient representation is not given to the members of the backward communities in the Judicial Department. It is a legitimate claim of the unrepresented communities to press their claims in the matter of representation in the public service. The grievances of the unrepresented communities can very readily be recognised by Government with the help of statistics available with them. I know that it is not possible for the Government to give effect to all the suggestions made by the members of the House immediately. But it is possible for Government to regard those claims properly and give effect to them gradually. It is high time that the Government give their utmost attention to the claims of the poorly represented communities in the several departments of Government. We have noticed some objections against this principle from certain members and we are aware of the obvious reasons therefor. In this connection I do not propose to deal into the circumstances which prompted them to take such an attitude. At the same time I would draw the attention of Government to redress the grievances of the poorly represented communities as early as possible.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, it has always been the policy of Government to give encouragement to the members of the backward communties in the matter of representation in the public service. After the budget session commenced, at the time of every demand when the subject came up before the House, it was discussed, and every departmental head in charge stated in unequivocal terms that it has always been the policy of Government to give sufficient encouragement to the members of the backward communities.

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MR. N. JOHN JOSEPH: ഗവണ്മെൻറും ഡിപ്പാർട്ടുമെൻറൽ ഹെഡ്സും അനുകൂലമായി ഇങ്ങനെ പറയുന്ന എന്നല്ലാതെ അതനുസരിച്ച് പ്രവർത്തിക്കുന്നതായിട്ട് റിക്കാർഡു കാണിക്കാൻ കഴിയുമോ ?

MR. PUTHUPALLI S. KRISHNA PILLAI: Government are certainly aware of the fact that those who are anxious to get are over-anxious and those who have to give it find their powers considerably curtailed. Every appointment in this State except those falling in the higher grade and a small percentage in the intermediate grade has been handed over to the Public Service Commissioner. It was done with a particular object. It has now so happened that however much Government may desire to encourage the members of backward communities or show special concession to backward communities, they are confronted with the Public Service G. O. Government are therefore, as at present advised, unwilling to tread upon the legitimate powers of the Public Service Commissioner. But everything which lies in the power of Government will be done.

At the same time I may point out to members representing the interests of backward communities that the Public Service G. O. itself is in operation under the extended period given to it by order of Government and Government have themselves promised that after the expiry of the period they will review the position and make such alterations as they deem fit. The demand from the representatives of the backward communities has been so insistent the impression that it has created in the mind of Government has been so clear, that when the time comes, Government will be in a position to make some proper provision so that it may adequately meet with the demands of the backward communities. This applies not only with regard to the recruitment to public service but in every other Government activities. Government have a special eye for the protection and promotion of the interests of the backward communities. The same principle will be borne in mind in regard to the appointments in public service. At the same time I may add that the information supplied by the High Court on the question of appointment of members of backward communities may not be very encouraging to the honorable members who have spoken in support of this motion because I find that out of 85 peons, there are 21 persons belonging to the backward communities who are now employed in the High Court as peons. Their names have also been supplied to me but the honourable members may not be interested to know those names. Out of 85, 21 belong to the backward communities. Therefore the position of the backward communities in the High Court is entirely different from the position of the backward communities holding appointments in other departments. Out of 85 peons we have got about 21 and it will be noticed that if not in any other department, at least in the High Court the backward communities are enjoying certain privileges which are not the result of any rules framed for that purpose but by the sympathy and far sightedness of those who are responsible for making the appointments.

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MR. N. JOHN JOSEPH : പ്രത്യക്ഷത്തിൽ വളരെ അവശതയനുഭവിക്കുന്ന പിന്നോക്കസമുദായത്തിൽ പെട്ടവർക്ക് ഉദ്യോഗം കൊടുത്തിട്ടുണ്ട് എന്നു പറഞ്ഞിരുന്നുവെങ്കിൽ അതിനെക്കുറിച്ച് സന്തോഷിക്കാമായിരുന്നു. ജുഡിഷ്യൽ ഡിപ്പാർട്ടുമെൻറിലെ നിയമനം നോക്കിയാൽ കേവലം കൈവിരൽ കൊണ്ടെണ്ണത്തക്ക വിധത്തിൽ മാത്രമെയുള്ളൂ. ഇങ്ങനെയുള്ള ഡിപ്പാർട്ടുമെൻറുകളിലെങ്കിലും ഉദ്യോഗദാനവിഷയത്തിൽ അവക്കു കൂടുതൽ പ്രോൽസാഹനം കൊടുത്തിരുന്നെങ്കിൽ അതു ഏറ്റവും നന്നായിരിക്കുമായിരുന്നു. ഹൈക്കോടതിയിൽതന്നെ എൺപതുശതമാനം ഉദ്യോഗം മറ്റുള്ളവർക്കു കൊടുത്തിട്ടുണ്ട്. എന്നാൽ പിന്നോക്ക സമുദായക്കാരുടെ ഉദ്യോഗനിയമനക്കാര്യം വരുമ്പോൾ സിറിയൻ കത്തോലിക്കരേയും ലാറ്റിൻകത്തോലിക്കരേയും ഈഴവരേയും ഉദ്യോഗത്തിൽ നിയമിച്ചിട്ട് അവരേയും കൂടി പിന്നോക്കസമുദായങ്ങളുടെ കൂട്ടത്തിൽ ഉൾപ്പെടുത്തി കണക്കു പറയുവാൻ തുനിഞ്ഞിട്ടുകയാണ് ചെയ്യുവരുന്നതു്. ഇങ്ങനെ ഈഴവരുടേയും സിറിയൻ കത്തോലിക്കരുടേയും ലാറ്റിൻ കത്തോലിക്കരുടേയും പ്രാതിനിദ്ധ്യത്തെ ഞങ്ങളുടെ പ്രാതിനിദ്ധ്യത്തോടു ചേർത്തു് കണക്കു ശരിപ്പെടുത്തി, അതെല്ലാം പിന്നോക്കസമുദായക്കാർക്കാണ് കൊടുത്തിരിക്കുന്നതു എന്നു പറയുന്നതു് പോലുള്ള ഒരു അനീതി വേറെ ഇല്ലെന്നുതന്നെ പറയേണ്ടിയിരിക്കുന്നു. യഥാർത്ഥത്തിൽ പ്രാതിനിദ്ധ്യമില്ലാത്തവർക്ക് ഉദ്യോഗം കൊടുക്കുന്നതിനു പകരം മറ്റുള്ളവർക്ക് കൊടുത്തിട്ട് അങ്ങിനെയുള്ള ഉദ്യോഗങ്ങളെ ഞങ്ങളുടെ മേൽ കെട്ടിവയ്ക്കുന്നതുകൊണ്ട് ഞങ്ങൾക്ക് അതൊരു ഭാരമായി ഒട്ടും തന്നെ തോന്നുന്നില്ല. എന്നാൽ ഇങ്ങനെയുള്ള ഭാരം ഇനിമേലെങ്കിലും ഞങ്ങളുടെ മേൽ ചുമത്തരുതെന്നാണ് എന്റെ അപേക്ഷ. ഈഴവസമുദായത്തിലുള്ളവർക്കും മറ്റു സമുദായങ്ങളിൽപ്പെട്ടവർക്കും വേണ്ടി ഉദ്യോഗനിയമനം നടത്തിയിട്ട് അവരെ പിന്നോക്കസമുദായങ്ങളുടെ കൂട്ടത്തിലുൾപ്പെടുത്തി ഞങ്ങളെ ഉപദ്രവിപ്പെടുത്തി വരുന്ന നയം ഗവണ്മെൻറിൽനിന്നും പിൻവലിക്കേണ്ടതാണ്. കേവലം കൈവിരൽകൊണ്ട് എണ്ണത്തക്കവിധത്തിലുള്ളതാണെങ്കിലും പരീക്ഷായോഗ്യതയുള്ളവർ ഞങ്ങളുടെ കൂട്ടത്തിലുമുണ്ട്. പല അപേക്ഷകന്മാരും ഉണ്ട്. ഡിവിഷൻ കോടതിയിലും ഹൈക്കോടതിയിലും അവർ പ്രത്യേകമായി അപേക്ഷ കൊടുത്തിട്ടുണ്ട്. അവർക്ക് ഇനിമേലെങ്കിലും പബ്ലിക്കു സർവീസ് കമ്മീഷണരുടെ ലിസ്റ്റിൽ സ്ഥാനം പിടിക്കത്തക്കവണ്ണം ആക്ടിംഗ് ഉദ്യോഗംകൊടുക്കത്തക്ക സാമർത്ഥ്യമുള്ള ഉദ്യോഗസ്ഥന്മാർ ജുഡിഷ്യൽ ഡിപ്പാർട്ടുമെ

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[Mr. N. John Joseph.]

ൻറിൽ ഇപ്പോൾ ഇല്ല. അതുകൊണ്ട് ഗവണ്മെൻറിൻെറ ദയാദാക്ഷിണ്യം ഈ വിഷയത്തിൽ പതിഞ്ഞു് ഒരുമാസം അരമാസം എന്നിങ്ങനെയുള്ള അല്പ കാലത്തെ ആക റിംഗ് ഒഴിവുകളിൽ പരീക്ഷായോഗ്യതയുള്ള അപേക്ഷകന്മാരെ നിയമിക്കുന്ന പക്ഷം അവരുടെ പേർ ലിസ്റ്റിൽ ഉൾപ്പെട്ട് പബ്ളിക്കു സർവ്വീസ് കമ്മീഷണരുടെ അടുത്തു പോകുന്നതിന് ഇടയാകുന്നതാണു്. ഒരു വർഷത്തേക്കുകൂടി ഇപ്പോൾ പബ്ളിക്കു സർവീസുകമ്മീഷണരുടെ കാലാവധി നീട്ടിക്കൊടുത്തിരിക്കുകയാണ്. അതു ഞങ്ങൾക്ക് പ്രയോജനകരമല്ലാത്ത വിധത്തിൽ ഉദ്യോഗനിയമനം നടത്തുന്നതിനു വേണ്ടിയാണെന്നു തോന്നുന്നുണ്ട്. അവശസമുദായത്തിൽ പെട്ടവർക്ക് പ്രോൽസാഹനം നൽകാതിരിക്കത്തക്കവണ്ണം ഒരു തടങ്കലായിട്ടാണ് പബ്ളിക്കുസർവ്വീസ് കമ്മീഷണരുടെ കാലാവധി ഇപ്പോൾ നീട്ടിക്കൊടുത്തിരിക്കുന്നതു്. അതുകൊണ്ട് എത്രയും വേഗത്തിൽ ഈ വേലിയെ പൊളിച്ചു കളഞ്ഞിട്ട് ഞങ്ങളുടെ നിയമനം ഗവണ്മെൻറിൽനിന്നും നേരിട്ടതന്നെ നടത്തണമെന്നു ഞാൻ അപേക്ഷിക്കുന്നു. ഈ ഒരു വർഷക്കാലത്തിനകത്തു ഗവണ്മെൻറിൽനിന്നും പ്രത്യേകം ശ്രദ്ധിച്ചു് പബ്ളിക്കുസർവീസ് കമ്മീഷണരുടെ ലിസ്റ്റിൽ ഉൾപ്പെടത്തക്കവണ്ണം ജുഡിഷ്യൽ ഡിപ്പാർട്ടുമെൻറിൽ നിയമനം നടത്തണമെന്നു ഉത്തരവു കൊടുക്കേണ്ടതു് അത്യാവശ്യമാണ്. ഹൈക്കോടതി, ജില്ലാക്കോടതി, മുൻസിഫ്കോടതി, മജിസ്ട്രേട്ടു കോടതി എന്നീ കോടതികളിൽ ഉണ്ടാകുന്ന ഒഴിവുകളിൽ ഒ ഠ ശതമാനം ഉദ്യോഗം പിന്നോക്കസമുദായത്തിൽ പെട്ടവർക്കു ലഭിക്കത്തക്കവണ്ണം നിയമനം നടത്തുന്നതിനു് ജുഡിഷൽ ഡിപ്പാർട്ടുമെൻറിനു വേണ്ട നിർദ്ദേശം നൽകണമെന്നപേക്ഷിച്ചുകൊണ്ട് ഈ ഉപക്ഷേപത്തെ പിൻവലിക്കുന്നതിനു് അനുവാദം ചോദിച്ചുകൊള്ളുന്നു.

The motion, by leave, was withdrawn.

Motion Nos. 240 and 241.

The following identical motions were not moved.

MR. T. T. KESAVAN SASTRI :

240 To reduce the allotment of Rs. 46,436 for Indexer and Law Reporter etc. by Re. 1.

MR. KAVIYOOR K. KOCHUKUNJU :

241. To reduce the allotment of Rs. 46,436 for Indexer and Law Reporter etc. by Re. 1.

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Motion Nos. 242 and 243.

PRESIDENT: I see on the paper before me motions by Messrs. K. Kesavan and Kannara Gopala Panicker; two honourable members raising the same question :—"To discuss the necessity for making the Judiciary of the State free of the control of the Executive". Will the honourable members tell me what the idea of separation of the Executive from the Judiciary is, because I am asking this question with a certain view. Under Rule 28, when a member while speaking must not reflect on the conduct of any court of justice having jurisdiction in Travancore.

MR. S. KRISHNA IYER: Sir, I rise to a point of order. I raise two objection to this cut motion; one that the necessity for making the Judiciary and the State free of the control of the Executive is not relevant to the allotment of Rs. 46,000 odd for Indexer and Law Reporter, etc. It may as well be said to be relevant to prohibition. Secondly the words "to discuss the necessity for making the Judiciary of the State free of the control of the Executive" assumes that the Executive does exercise control over the Judiciary and that the Judiciary is not independent. That is a reflection upon the independence of the Judiciary. For these two reasons I submit that the cut motion have to be ruled out of order.

PRESIDENT: Mr. K. Kesavan will explain the position.

Motion No. 242.

MR. K. KESAVAN: I beg to move :

"To reduce the allotment of Rs. 46,436 for Indexer and Law Reporter etc., by Re. 1".

മി. എ. നാരായണപിള്ളയുടെ കേസിനെ സംബന്ധിച്ചു ... ...

PRESIDENT: The motion is out of order.

Motion No. 243.

MR. KANNARA GOPALA PANICKAR I beg to move.

To reduce the allotment of Rs. 46,436 for Indexer and Law Reporter etc., by Re. 1.

മജിസ്ട്രേട്ട കോടതികൾ ഇപ്പോൾ ഗവണ്മെൻറിന്റെ കീഴിലാണ് ഇരിക്കുന്നതു്. ഡിസ്ട്രിക്ട് മജിസ്ട്രേട്ട കോടതി ഇപ്പോൾ ചീഫ്സെക്രട്ടറിയുടെ അധികാരത്തിൻ കീഴിലാണ് ഇരിക്കുന്നതു്. അവയെ അവരുടെ അധികാരത്തിൻ കീഴിൽനിന്നും വേർപെടുത്തി ജുഡിഷ്യൽ ഡിപ്പാർട്ടുമെൻറിന്റെ അധികാരത്തിൻ കീഴിൽ ആക്കണമെന്നുള്ളതാണ് എന്റെ ഉദ്ദേശം.

PRESIDENT: In regard to that matter, I have been considering precedents in this House. The whole matter has been discussed and a very elaborate ruling, No. 174, given by my predecessor. It reads thus :—

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[President.]

"While considering a motion for reduction from a particular item, the general policy of the Department was attempted to be discussed. The President intervened and ruled :

"Order, order. I have been listening to the three speeches that have been made on this motion. I think I have one or two observations to make. It is not at all what is called Parliamentary procedure to take up a sub-head and indulge in criticisms, regarding acts of commission on the part of the Department concerned, or to apply your searchlight as to what should have been or what should not have been done, or to suggest what the policy of the Department should be for the future. These discussions will be quite germane when the total grant for the Department comes up for consideration; and I find from the agenda that there are a number of motions relating to the total grants. Therefore, all general observations, all observations of a nature which would suggest the future policy of the Department, had better be reserved for exploitation when the total grant comes up for discussion."

Ruling numbers 175 and 176 are to the same effect. Therefore, I rule that these two cut motions are out of order.

Motion Nos. 244 to 249.

The following motions were not moved :—

MR. P. V. MATHAI CHEMPARATHY :

244. To reduce the allotment of Rs. 46,436 for Indexer and Law Reporter, etc. by Re. 1.

MR. P. NARAYANA PILLAI :

245. To reduce the allotment of Rs. 57,290 for establishment by Re. 1.

MR. P. KUNJUKRISHNAN :

246. To reduce the allotment of Rs. 2,500 for travelling allowance by Re. 1.

MR. N. JOHN JOSEPH :

247. To reduce the allotment of Rs. 2,500 for travelling allowance by Re. 1.

MR. KAVIYOOR K. KOCHUKUNJU :

248. To reduce the allotment of Rs. 2,500 for travelling allowance by Re. 1.

MR. K. KESAVAN :

249. To reduce the allotment of Rs. 2,500 for travelling allowance by Re. 1.

Motion No. 250.

MR. KOTTALIL P. ABRAHAM : Sir, I move to reduce the allotment of Rs. 2,500 for travelling allowance by Re. 1 to discuss about the hardship caused to witnesses appearing in Sessions Courts in regard to their batta as sufficient funds are not allotted to the respective Sessions Courts in proper time.

In Session cases generally on an average 12 to 15 witnesses are cited for prosecution and for the defence on an average 10 to 12 witnesses are also be cited. It so happens in Session cases that the generality of witnesses are poor people. I do not know how it so happens. Probably the crimes occur in the midst or in the presence of the ignorant and poor people. Anyhow, the fact remains and that has been observed in several cases. It is also a fact that these witnesses have

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ordinarily to come from long distances, say 30 to 50 miles, to attend the Session Courts. As for the witnesses cited for the defence side almost all of them go back without being examined. Except in very few cases, the accused as a rule give up their witnesses after the prosecution evidence is over, and after the witnesses have actually come before court. The fate of those witnesses is that they do not get any allowance or batta on the ground that they are not examined. For witnesses who appear on the prosecution side payment of batta is paid to them for the months from Chingom to Edavom, because during those months there will be funds available for distribution among these witnesses. But when the period after the midsummer vacation comes, the funds set apart for that item generally become exhausted with the result that the witnesses, who come from distant places at the instance of the prosecution the Sirkar and the Police, would have to go without any batta or allowance at all. Usually their allowance is only half a chackram per mile. I am not disputing that. But even the minimum rate of that half a chackram per mile is not paid to several witnesses who appear in the courts during the period between Edavom and Karkadagom and it is those months which is popularly known as pauper months when money will be very scarce in the hands of poor ryots. Sir, it is a pity that during those months these poor witnesses are compelled to come and forced to go back without any batta or mileage. To speak about the Parur and Kottayam Sessions Courts I would inform the House that a large number of poor witnesses suffer very much during the last quarter of the year as there will be generally flood everywhere in those places. And in places between Alwaye and Parur during the flood time, the traffic is closed, it is very difficult to get any vehicle or vallom while it is much more difficult to walk or rather to wade through flooded roads. Now the reason why there is paucity of funds in these courts is that the sum allotted for this item of expenditure is always meagre. Whatever funds are available for the Sessions Courts are duly disbursed to the witnesses; the funds get exhausted by the first 9 months of the year and so during the last 3 months these poor witnesses have to suffer. Sir, therefore these Sessions Courts should be given more funds and that in proper time so that these defects may be remedied. In some quarters there is a vague suspicions, that the witness batta and allowances, even if paid do not reach the hands of the witnesses. I may submit with confidence, at least with regard to the Parur Court, that such a suspicion has no place at all. As a matter of fact any witness to whom allowance or batta is disbursed does actually get it. It is never lost in a middle man. In answering the exhaustion of the funds, it may be contended that the Sessions Courts, if they care, can utilise other funds by diversion processes for paying the witnesses. But there is a lot of technicality about those matters and much time and unnecessary labour have to be spent on that score in obtaining the sanction from the High Court and in communicating with the Account Office. After all, if at the time of the budgetting itself, adequate funds are allocated looking to the requirements of the different courts, all trouble could be avoided. To bring this fact to the notice of this House and the Government I move this motion for their consideration.

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MR. M. G. MATTHEW: Sir, I support the motion. In doing so I shall refer to a few statistics given in the Administration Report of the Judicial Department. About 3,230 witnesses were called in for 200 Sessions cases. A sum of Rs. 1,700 was disbursed to them as batta. That works out to about As. 8 for a witness. These witnesses were often forced to wait for 3 or 4 days or even more before they were called in by the Court. It is extremely difficult for a man who has come from a great distance and who has waited for 3 or 4 days to satisfy himself with As. 8 for his expenses. I am in entire agreement with the principle of the cut motion proposed by Mr. Abraham.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I oppose the motion. On reference to page 94 of the budget, honourable members will realise that for batta to witnesses a sum of Rs 2,000 has been provided for the coming year. The anticipated expenditure under this item for the current year is Rs. 1,800. The amount provided for the coming year is more liberal than what is provided for the current year. The actuals for 1111 were only Rs. 1,445. Now from Rs. 1445 we have come up Rs 2,000. That is, an additional allotment of over Rs. 500 has been provided. It may be conceded that it is a very liberal provision as far as this item is concerned.

MR. KOTTALIL P. ABRAHAM: Can the member say that the amount allotted for the current year was sufficient to meet the demands?

MR. PUTHUPALLI S. KRISHNA PILLAI: Anyway we have Rs. 1,800 in this item. It is only in cases where the witnesses are summoned for examination, batta is usually given. Last year, about 3,660 witnesses were examined and in 1111, 3,499 witnesses were examined. For 3,499 witnesses the courts paid an amount of Rs. 1,445.

MR. M. G. MATTHEW: May I know whether a witness is entitled to get batta even if he is not examined?

MR. PUTHUPALLI S. KRISHNA PILLAI: When he attends the court he will be paid batta.

MR. M. G. MATTHEW: May I know whether the witnesses who were summoned last year were satisfied with what they got by way of batta?

MR. PUTHUPALLI S. KRISHNA PILLAI: Whenever there has been a complaint in any Sessions Court due to shortage of funds the Sessions Court reports to the High Court and the High Court will move the Government to grant more funds which the Government will immediately sanction.

MR. M. G. MATTHEW: Are there not instances when the witnesses who come to courts find it difficult to get batta?

MR. PUTHUPALLI S. KRISHNA PILLAI: Funds are not expected suddenly to disappear from the hands of the Sessions Judge. But if a contingency like that arises Government sanction the amount by re appropriation. But this difficulty has been foreseen and so an adequate provision has been made for that. Therefore it is my submission that there is no justification for this motion. Now there i

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also another reason for that. Taking the figure 3,400 as the average number of witnesses for an year, the expenditure will be about Rs. 1,700 or 1,800. The third class batta that is given for a withess is 4 chs. per day and 4 cash per mile. For a second class witness it is 7 chs for a day and 8 cash per mile. If you make a bare estimate of the total batta and T. A. that may have to be paid to these witnesses honourable members can themselves find out that a sum of Rs. 2,000 is a fair estimate. In the Kottayam Sessions Court alone about 900 witnesses were examined in one year. That is double the number of witnesses examined in other courts. This was due to special causes. Such contingencies are often met by reappropriation of funds. On an average the sum provided for in the budget would be sufficient. With these words I oppose the motion.

MR. KOTTALIL P. ABRAHAM: Sir, the Legal Remembrancer has only compared figures in the Budget in regard to the provisions made for the next year, this year and the previous years. He has not satisfactorily stated whether the claims of all witnesses were actually met even in the previous years and why adequate sums were not spent on their accounts during the previous years. My motion particularly refers to the period of Edavom to Karkadagom when payments are not properly made to witnesses. Sir, I press the motion to vote.

The motion was put to the vote of the House and lost.

Motions Nos. 251 and 252.

The following motions were not moved; —

MR. K. P. KOCHUKORATHARAKAN:

251. To reduce the allotment of Rs. 2,500 for travelling allowance by Re 1.

MR. P. V. MATHAI CHEMPARATHY:

252. To reduce the allotment of Rs. 2,500 for travelling allowance by Re. 1.

Motion No. 253.

MR. P. NANOO: Sir, I move "the allotment of Rs. 76,587 for High Court be reduced by Re. 1".

The object in moving this motion is to discuss the present practice of the judiciary in the matter of allowing publication of advertisements in newspapers. Till the middle of this year the practice in the Courts was to allow advertisements to be published in any paper the party liked. But from the middle of this year this practice seems to have been changed. Now the courts insist upon the parties applying for permission to advertise in papers, to publish their advertisements only in two papers *viz.* the 'Malayalarajyam and Bharatha Patrika". I submit the object of advertisement is to give as much publicity, as much wide publicity, as is possible in respect of the matter advertised. But the two papers which I have now mentioned have only a very small circulation in the State. Taking my place, I may say that when 500 copies of Malayaly and 500 copies of Manorama are circulated 5 copies of Malayalarajyam and one copy of Bharatha Patrika alone is circulated. Only a very few copies of the latter two papers are being

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[Mr. P. Nanoo.]

read by people in the place. These two papers *viz.*, Malayalarajyam and Bharatha Patrika are read only by the officers and not by ordinary people. Therefore, I say that the present practice insisted on by the court does not fulfil the object of publication. In support of this I can place two more facts by way of illustration.

MR. E. P. VARGHESE: May I know the number that is published and circulated in the case of 'Malayalarajyam'.

MR. P. NANOO: The member may refer to the statistics.

Now, Sir, I understand that a Circular or direction from the higher authorities has been issued to the courts to the effect that advertisements should be given only to these two papers; if this is a fact, it takes away the object of advertising in papers and also the elementary rights of the people. I submit so, because the advertisement necessarily concerns more the party and not the court. As instances of this practice, I may say this. A party applied for advertisement of a court sale in Malayali in O. S. 1327 of 1100 in the Attingal Munsiffs' Court. This application was refused by the court and publication of the matter was allowed in the Malayalarajyam. In O. S. No. 446 of 1109 of the same Munsiff's Court, the court ordered publication of a notice in newspaper. The party, accordingly applied for publication in either Malayalai or Prabodini or Malayala Manorama. Now what did the court do? The court altered the previous order and directed the party to apply for publication in the Government Gazette. The result was that the party had to spend Rs. 6 for the cost of publication in the Gazette whereas he need have spent only Rs. 3 for publications in newspaper. By this additional expenditure, the party was forced to pay a fine of Rs. 3 more by way of charges for publication in the Government Gazette. With these observations I commend the motion for the acceptance of the House.

MR. M. G. MATTHEW: Sir, I support this motion. In doing so I wish to say that I myself have had experience of this sort, in the Quilon District Court. In O. S. No. 113 of 11 of that Court the party wanted to give notice to the defendant about the suit by putting up an advertisement in the Malayala Manorama. According to the Civil Courts' Guide the party is at liberty to advertise in any paper he likes. But I was told that the advertisement had to be put up in a paper, that was published from Quilon. I informed the party to choose between the positions. I told him that he might advertise in the paper he liked or he might yield to the directions given to him. The matter was there. But a number of advertisements for sale of properties in the Vaikom, and Perumpavur Munsiffs Courts appeared in the Malayalarajyam which is published from Quilon. I fail to see how exactly this matter has come to the authorities. I want to know whether the authorities are right in giving an order to that effect. I shall also ask the Legal Remembrancer to tell me whether a Circular has been issued and whether it is in accordance with the rules given in the Civil Courts Guide,

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MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, though a party may name the paper in which he wishes to advertise, under the Civil Court Guide the ultimate authority for decision in choosing the newspaper rests with the court. In deciding in which paper an advertisement that is issued from the court is to be published, the court always exercises a discretion, *vide* for instance article 369. "As it thinks fit" is the expression used. The circulation of the paper, the propaganda which is being carried on by the paper, its activities whether disloyal or loyal all these are matters that will be taken into consideration by the court in deciding.....

MR. M. G. MATTHEW: Sir, may I know whether instructions have been issued to the Judges and Munsiffs that these matters should be taken into consideration ?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes. These are matters which the court will naturally and legitimately take into consideration.

MR. K. KESAVAN : നീതിന്യായം നടത്തുന്നതിനു ഇവക കാര്യങ്ങൾ ആലോചിച്ചിട്ട് വല്ല ആവശ്യമുണ്ടോ?

MR. PUTHUPALLI S. KRISHNA PILLAI, It is not question of need nor has it anything to do with administration of justice. We are at the question of publication of advertisements in newspapers.

MR. K. KESAVAN നീതിന്യായം നടത്തുന്നതിൽ എക്സിക്യൂട്ടീവ് കൈകടത്തേണ്ട ആവശ്യമുണ്ടോ?

MR. PUTHUPALLI S. KRISHNA PILLAI: It is not necessary.

This is not a matter pertaining to the judicial functions of the court. It is a matter concerning the publication of a proceeding which has been directed by rules to be published and in choosing the medium for such publication, the courts naturally take into consideration these matters. It is the presumption of the court that papers which carry on subversive and disloyal propaganda will not generally be read by the public because the people are so much averse to such newspapers. I do not see any reason why the courts should not draw such a presumption.

MR. M. G. MATTHEW : May I know whether there are papers of that sort which are carrying on subversive and disloyal propaganda ?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, there are.

MR. M. G. MATTHEW : May I know the number of copies of these papers that are being circulated ?

MR. PUTHUPALLI S. KRISHNA PILLAI: Government are not aware of it. Government are looking into these papers, and they can classify them as papers which carry on subversive propaganda and papers which do not carry on such propaganda. Government are able to .....

MR. K. KESAVAN : പേപ്പർകളെ ഡിസ്ലായലും ലായലുമായി തരം തിരിച്ചിട്ടുണ്ടോ?

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MR. PUTHUPALLI S. KRISHNA PILLAI : Government have not issued any list and made any classification, because a paper which carries on subversive activities today may change its mind at any time and revert back to legitimate and lawful action. It is for the courts and the litigant public to take into consideration these facts.

MR. K. KESAVAN : ജഡ്ഡിഷ്യൽവകുപ്പിലെ ഉദ്യോഗസ്ഥന്മാർക്കു ഒരു പത്രം ലായലൊ ഡിസ്ലായലൊഎന്നു ഔദ്യോഗികമായി അറിയേണ്ട വല്ലആവശ്യവുമുണ്ടോ ?

MR. PUTHUPALLI S. KRISHNA PILLAI : They are all officers of the Government, and it is hoped that they all read the papers.

MR. A. THANU PILLAI : May I know whether the High Court has issued instructions in regard to this matter to the subordinate courts ?

MR. PUTHUPALLI S. KRISHNA PILLAI : An opinion has been given.

MR. A. THANU PILLAI : Is it by the High Court ?

MR. PUTHUPALLI S. KRISHNA PILLAI : Yes, Sir, by the High Court

MR. A. THANU PILLAI : May I know whether it was made at the instance of the Government ?

MR. PUTHUPALLI S. KRISHNA PILLAI : No. Government have drawn the attention of the High court by calling for information, regarding the procedure and either before or after that the High Court might have made some indications.

MR. A. THANU PILLAI : Then was it not an interference with the judiciary ?

MR. PUTHUPALLI S. KRISHNA PILLAI : No, Sir, it was not.

PRESIDENT : The honourable Legal Remembrancer will proceed.

MR. A. THANU PILLAI : Sir, one question. Are not these advertisements in papers made in exercise of judicial functions?

MR. PUTHUPALLI S KRISHNA PILLAI: They are exercised by Judicial Officers but their duties are analogous to ministerial functions. These are not matters over which there can be any appeal, or revision and cannot therefore be regarded as judicial functions. The power is to choose as it thinks fit.

MR. K. KESAVAN : ഈ പറഞ്ഞതെല്ലാം ജനങ്ങൾക്കു വിശ്വസിക്കാൻ കൊച്ചു വിഷമമുള്ളതാണെന്നു അറിയാമോ?

MR. PUTHUPALLI S. KRISHNA PILLAI: It is open to the members to draw their own inferences. Any way this is the information of the Government; but it is not a judicial function, on the other hand it is purely a function analogous to ministerial functions of judges.

MR. A. THANU PILLAI : Is it not in furtherance of their judicial work that the courts direct the advertisments to be published in the newspapers ?

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, then, every thing that a judicial officer does from morning to evening would become a judicial function.

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MR. A. THANU PILLAI: I wish to know from the member whether it is not the work of the judicial officer to give orders regarding these publications?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, it is a function which the judicial officer should discharge.

MR. A. THANU PILLAI: Then may I know whether it is not a judicial function—I mean discretion which he exercises in deciding whether an advertisement should be published in particular paper or not?

MR. PUTHUPALLI S. KRISHNA PILLAI: It is not considered in law as a judicial function. A judicial function is liable to be revised or re-opened by the High Court. But this is a matter purely in the absolute discretion of the judicial officer who is dealing with this matter. Therefore it is that I say that it is not treated as a judicial matter.

MR. A. THANU PILLAI: May I know whether this correspondence has been started by Government or by the High Court?

MR. PUTHUPALLI S KRISHNA PILLAI: Sir, I have already mentioned that Government have had some correspondence with the High Court. The High Court wrote back to Government on the state of affairs and the law on the question.

MR. A. THANU PILLAI: May I know whether the Government in their correspondence with the High Court on this subject, have mentioned the names of these two papers, the Malayala Rajyam and the Bharata Patrika, as being loyal newspapers, and all the other newspapers as disloyal?

MR. PUTHUPALLI S. KRISHNA PILLAI: No; that is what I called reading into what has not been done. No, such thing was done.

MR. A. THANU PILLAI: May I ask whether it is left to the descretion of particular judicial officers to decide that certain newspapers are loyal and certain others disloyal? Has the High Court given any general direction to the subordinate courts that particular newspapers are loyal and particular others disloyal?

MR. PUTHUPALLI S. KRISHNA PILLAI: So far as the Government are aware nothing like that has been done.

MR. A. THANU PILLAI: Is it a fact that judicial officers now prefer Malayala Rajyam and Bharata Patrika for purposes of Court advertisements?

MR. PUTHUPALLI S. KRISHNA PILLAI: Government are not in a position to say that. It all depends on the circulation of each paper; naturally the public prefer those papers which are loyal since such papers have a large circulation.

MR. A. THANU PILLAI: Do the Government realise that, in the matter of court advertisements, it is the circulation of a paper that really counts and not the disloyalty or subversive nature of its contents?

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MR. PUTHUPALLI S. KRISHNA PILLAI: If the interests of the party are to be served what is wanted is circulation. There is no use in publishing advertisements in papers which have absolutely no circulation except within the press in which they are printed. All that is necessary is reasonable circulation, and not always the highest circulation.

MR. A. THANU PILLAI: What is the circulation of the Bharata Patrika?

MR. PUTHUPALLI S. KRISHNA PILLAI: Government have no information on that point.

MR. K. KESAVAN: ഫ്രീ പ്രസ്സ് ഭാരതപത്രികക്ക് എത്ര സർക്കുലേഷൻ ഉണ്ട്?

MR. PUTHUPALLI S. KRISHNA PILLAI: I have already said, Sir, that the Government have no information on the point; if the honourable member is so anxious he may write to the Editor of the paper and get the information.

MR. K. KESAVAN: അന്ന് അതിന്റെ എഡിറ്റർ ആരായിരുന്നു?

MR. PUTHUPALLI S. KRISHNA PILLAI: I would refer the honourable member to old issues of the newspaper; he can find it for himself.

MR. A. THANU PILLAI: Has any direction been given to judicial officers that, in the disposal of cases, they should discriminate between loyal and disloyal parties?

MR. PUTHUPALLI S. KRISHNA PILLAI: No, certainly not.

MR. E. JOHN PHILIPOSE: Is it the view of the Government that if an advertisement is to be given to a newspaper by a judicial officer, he should sit in judgment over the political nature of the publications in that newspaper?

MR. PUTHUPALLI S. KRISHNA PILLAI: No, Sir; it is left to the discretion of the officer.

PRESIDENT: Honourable member will proceed.

MR. E. JOHN PHILIPOSE: In the view of the Government is the political nature of the publications of a newspaper a relevant consideration for the exercise of the discretion of judicial officers in the matter of giving court advertisements to newspapers?

MR. PUTHUPALLI S. KRISHNA PILLAI: As I have already stated, Sir, in the issue of advertisements as in every other matter, the disloyalty or subversive character of the publications in newspapers should weigh not only with judicial officers, but with every Government officer of the State. I have already stated that on behalf of the Government, every judicial officer is expected to keep himself conversant with what is being carried on around him. If he does not, Government do not blame him; but it is expected that all Government officers will do it.

PRESIDENT: Honourable member will proceed.

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MR. PUTHUPALLI S. KRISHNA PILLAI: I am sure, Sir, that no honourable member would say that a paper which carries on subversive activities is one which deserves encouragement.

MR. A. THANU PILLAI: May I know whether the distribution of Court advertisements is considered a matter of patronage?

MR. PUTHUPALLI S. KRISHNA PILLAI: No, Sir.

MR. A. THANU PILLAI: Then where is the justification for the prevention of parties' rights being asserted?

MR. PUTHUPALLI S. KRISHNA PILLAI: The party has no *right* to choose the paper which should be given the advertisement; he can merely suggest; the court is the authority to decide as to which paper should be given the advertisement. If, for instance, a party says that the advertisement should appear in some paper in Bombay or in a paper which does not exist, certainly, the Court is not bound to act according to such a prayer.

MR. A. THANU PILLAI: May I know whether this discretion vested in the judicial officers is not to be exercised in the interests of the party?

MR. PUTHUPALLI S. KRISHNA PILLAI: It has to be exercised in the interests of justice, not in the interests of any party.

PRESIDENT: Honourable member will proceed.

MR. PUTHUPALLI S. KRISHNA PILLAI: Therefore, Sir; as I submitted, there has been absolutely no interference with any judicial officers discretion. It is a matter in which the judicial officers are exercising their discretion in the best interests of the State.

MR. A. THANU PILLAI: Sir, I wish to offer a few remarks on this occasion.

After hearing the Legal Remembrancer I must confess that I am really astonished at the attitude taken up by the Government in this matter. I must say, Sir, that the Government are going far, far out of their way; in fact, they are losing their senses, I should say. Because, even in the matter of choosing newspapers for Court advertisements they seem to interfere.

PRESIDENT: It was made perfectly clear by the Legal Remembrancer that Government have not interfered with the discretion of judicial officers.

MR. A. THANU PILLAI: What has been admitted by the Legal Remembrancer constitutes, according to me, interference by the Government with the discretion of judicial officers. (*Cries of "Hear, hear" from some other members of the State Congress party*). No doubt, there might be difference of opinion as to that. But, I contend and contend with all the force I can command, that here is a concrete instance in which the executive are unduly and unjustly interfering with judicial work. I can understand the position that Government can interfere with courts so far as the administrative arrangements are concerned. Beyond that, when the Judge is given absolute discretion to choose the newspaper in which court advertisements are to appear, certainly, it

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[Mr. A. Thanu Pillai.]

must be within his absolute discretion; and in the first instance, the party has the right to suggest the name of the newspaper in which he would like the advertisement to appear, and such suggestion has to be adopted by the judge unless there are grounds for overriding it. In any case, the judge can exercise his discretion only in the interests of justice—I grant—which is nothing more than the interests of the parties to the case taken as a whole. Government, it appears have given directions or indicated their wishes to this extent, *viz.*, that newspapers themselves should be classified as loyal and disloyal, or subversive or otherwise.

PRESIDENT: Was it ever stated on behalf of the Government that the Government have issued any circular or any instruction in this behalf?

MR. A. THANU PILLAI: The High Court have.

MR. PUTHUPALLI S. KRISHNA PILLAI: Government have not issued any instructions or circular, Sir.

PRESIDENT: So far as I could see all that was stated by the Legal Remembrancer was that the Government's views in the matter were such and such; and not that the Government issued any circular or instructions in this matter.

MR. A. THANU PILLAI: I did not say, Sir, that Government have issued a circular. The Legal Remembrancer admitted that, as a result of the correspondence that has been going on between the Government and the High Court, the High Court have given directions to the subordinate courts as to what they should do in the matter of court advertisements in newspapers. Evidently that must be by a circular or the Registrar must have written a letter. Whatever might have been the nature of the correspondence, whether it was a letter or a circular, in effect, directions have been given by the High Court to the subordinate courts that they must look into the nature of the articles appearing in the various newspapers and, on the basis of such articles as to whether they are loyal according to the Government or not, distribute court advertisements. That, I must say, Sir, is an abuse of the powers vested in the judiciary. It is certainly the interest of parties to a suit to say which paper they would choose for the advertisement of court sales of properties to their best advantage. Sir, we are very sorry to see that the Government and the High Court have been parties to this kind of thing.

No, Sir, I must again submit for the consideration of the House that the division of the people as disloyal and loyal, of organisations as disloyal and loyal, and even of newspapers as disloyal and loyal, is certainly not calculated to promote the welfare of the State.

PRESIDENT: I would draw the attention of the honourable member to the fact that the question before the House is the present practice of the judiciary in the matter of giving court advertisements to newspapers.

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MR. A. THANU PILLAI : Unfortunately, Sir, that question has to be decided on the attitude of the Government and their officers towards certain organisations in the State, towards certain people and towards even newspapers. It has been admitted on behalf of the Government that even newspapers have been classified by the Government as loyal and disloyal. That seems to be the basis on which the whole thing has been presented by the Legal Remembrancer. Certainly, I should have been wrong in referring to this matter under the present motion ; but the whole discussion hinges on that. That is why I submit that this kind of division of even newspapers as loyal and disloyal will not in any way promote the welfare of the State or of anybody concerned. I again take this opportunity to impress upon the House that that is a very mischievous tendency (*Cries of "Hear, hear" from the State Congress Benches*). A few days ago it was stated that among the people there were those who were loyal and those who were disloyal ; and then it was stated that there were loyal as well as disloyal organisations. Now, we hear that, even among newspapers, there are loyal as well as disloyal ones. Sir, there is the law of the land ; and, if there is anything disloyal, Government should take the course open to them under the law. They should have the courage to take legal steps against disloyal organisations, individuals or newspapers. There is no meaning in allowing them to continue.....

PRESIDENT : Honourable member is again reminded of the fact that the motion before the House relates to the present practice of the judiciary in the matter of advertisements.

MR. A. THANU PILLAI : I say, Sir, that, if there is a newspaper carrying on disloyal or subversive propaganda, that paper ought to be dealt with in the way it deserves. Why not do that ? Why should the Government go on classifying individuals, organisations and newspapers as loyal and disloyal, and then indicate their wish that particular newspapers are considered disloyal by the Government and that therefore the Courts should have nothing to do with them ? That, I say, is mischievous. As a Government, as an honest Government, as a powerful Government, which professes to work for the people, such disloyal organisations of newspapers should be dealt with under the law, in the way they deserve. There is no meaning in continuing this kind of classification of everything in the land. That is nothing but cowardice. I assert that there is absolutely disloyalty in the land. This kind of classification that I have indicated is sure to bring the Government into contempt. I am sorry, Sir, I can only now accuse the Government in this matter of advertisements, and not the courts. The judicial officers also deserve to be punished for what they have done ; but unfortunately, they now form part of the Government who, it has been admitted, are ultimately responsible for this classification even of newspapers as loyal and disloyal.

MR. P. NANOO : As it has been made clear that the executive has, in this matter, interfered with the judiciary, I press the motion.

The motion was put to vote and lost.

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MR. S. NILAKANTA PILLAI: I demand a poll.

A poll was taken and the House divided as follows:—

(Messrs. K. R. Narayanan and V. K. Velayudhan who were not present during the voting by show of hands, came in when the poll was taken.)

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Messrs. K. R. Narayanan and V. K. Velayudhan were not here when the motion was put to vote; they should not therefore be counted now during the poll.

PRESIDENT: They were not here when the motion was put to vote and so they have no right to be counted during poll. If, for instance, Mr. Narayanan, or the other honourable member, would say that he was here at the time of voting, the position would be different.

AYES - 17.

1 Mr. Kannara Gopala Panickar
2 ,, A. J. John
3 ,, K. Kesavan
4 ,, P. K. Kumaran
5 ,, P. Kunjukrishnan
6 ,, P. V. Mathai Chemparathy
7 ,, M. G. Matthew
8 ,, P. Nanoo
9 ,, N. Narayana Kurup
10 Mr. K. Narayanaperumal Nadar
11 ,, G. P. Nilakanta Pillai
12 ,, S. Nilakanta Pillai
13 ,, E. John Philipose
14 ,, P. J. Sebastian
15 ,, A. Thanu Pillai
16 ,, K T. Thomas
17 ,, T. M. Varughese

MR. M. G. MATTHEW: On a point of order, Sir. Messrs. Narayanan and V. K. Velayudhan have been omitted.

NOES—38.

1 Mr. V. Chandamiah
2 ,, C. V. Chandrasekharan
3 ,, K. J. Cheriyan
4 ,, S. Chattanatha Karayalar
5 ,, M. L. D'Cruz
6 ,, E. E. Pandarathil
7 ,, D. Francis
8 ,, A. Gopala Menon
9 ,, M. Govinda Pillai
10 Dr. C R. Harler
11 Mr. M. L. Janardana Pillai
12 ,, N. John Joseph
13 ,, Joseph Vithayathil
14 ,, K. C. Karunakaran
15 ,, M. Kesava Panickar
16 ,, T. C. Kesava Pillai
17 ,, T. T. Kesavan Sastri
18 ,, Kaviyur K. K. Kochukunju
19 ,, S. Krishna Aiyar
20 ,, Puthupalli S. Krishna Pillai
21 Mr. C. O. Madhavan
22 ,, P. V. Mathai Chemparathy
23 ,, P. Narayana Pillai
24 ,, S. Narayana Pillai
25 Dr. G. D. Nokes
26 Mr. M. K. Nilakanta Aiyar
27 ,, Kainikkara M. Padmanabha Pillai
28 ,, J. E. A. Pereira
29 ,, M. Ramachandra Rao
30 ,, Codiveetil C Ramankunju
31 ,, R. Raman Nambutiri
32 ,, M. Ramiah Pillai
33 ,, N. Ramakrishna Pillai
34 ,, P Sivarama Pillai
35 ,, M. Sivathanu Pillai
36 ,, G. B. E. Truscott
37 ,, E. P. Varghese
38 ,, Puliyoor T. P. Velayudhan Pillai

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NEUTRAL—1

Mr. Kottalil P. Abraham

The motion was declared lost 17 voting *for* 38 voting *against* and one remaining *neutral*.

Motion No. 254.

The following motion was not moved :

MR. PULIYOOR T. P. VELAYUDHAN PILLAI :

To reduce the allotment of Rs. 76,587 for High Court by Re. 1.

Motion No. 255.

MR. KANNARA GOPALA PANICKAR : I move :

"To reduce the allotment of Rs. 1,59,709 for High Court by Re. 1."

സർ, തിരുവിതാംകൂറിലെ ജുഡീഷ്യൽ ആഫീസറന്മാരുടെ ശമ്പളം കുറക്കണമെന്നുള്ള ഒരു പ്രധാനസംഗതി ഗവണ്മെൻറിന്റെ ശ്രദ്ധയിൽ കൊണ്ടുവരുന്നതിനുവേണ്ടിയാണ് ഞാൻ ഈ ഉപക്ഷേപം അവതരിപ്പിക്കുന്നതു.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I rise to a point of order. The honourable member is moving Motion No. 255. We have already discussed motion No. 253 which falls under this item—total demand.

All the motions till Motion No. 258 must lapse.

Motions Nos. 255 to 263.

The following motions were not moved :

MR. KANNARA GOPALA PANICKAR :

255. *To reduce the allotment of Rs. 1,59,709 for High Court by Re. 1.

MR. P. NANOO :

256. To reduce the allotment of Rs. 7,6,587 for High Court by Re. 1

MR. P. V. MATHAI CHEMPARATHY :

257. To reduce the allotment of Rs. 76,587 for High Court by Re 1.

MR. A. THANU PILLAI :

258. To reduce the allotment of Rs. 76,587 for High Court by Re. 1.

MR. K. R. NARAYANAN :

259. To reduce the allotment of Rs 13,800 for Temporary Munsiffs by Re. 1.

MR. KANNARA GOPALA PANICKAR :

260. To reduce the allotment of Rs. 20,435 for Temporary Second Judges by Re 1.

MR. P. NARAYANA PILLAI :

261. To reduce the allotment of Rs. 42,035 for Second Judges and Temporary Second Judges by Re. 1.

MR K. KESAVAN :

262. To reduce the allotment of Rs. 1,200 for Jailors by Re. 1.

MR. S. NARAYANA PILLAI :

263. To reduce the allotment of Rs. 7,67,075 for Civil and Sessions Courts by Re. 1.

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Motion No. 264.

MR. M. RAMIAH PILLAI: Sir, I beg to move:—

To reduce the allotment of Rs. 8,08,145 for Civil and Sessions Court by Re. 1.

My object in moving this motion is to bring to the notice of the Government the urgent necessity to make the Nedumangad Munsiff's Court permanent.

MR. A. THANU PILLAI: I rise to a point of order. The allotment sought to be reduced covers also nonvotable amounts.

MR. PUTHUPALLI S. KRISHNA PILLAI: The Chair may allow the motion in so far as it relates to the votable portion.

PRESIDENT: Yes.

MR. M. RAMIAH PILLAI: Sir, this need has often, and for several years been brought to the notice of the Government and still it is a grievance to the people of my constituency that the local Munsiff's Court is merely temporary in character. Sir, generally it is admitted, that Nedumangad is a backward taluk. We have not got the numerous conveniences and amenities which other taluks have got. So, I feel strongly, Sir, that it is the duty of Government to help us up in our forward march. Sir, it is not merely for prestige that we ask for a permanent court for Nedumangad, but there is real need for it. If, however, any modification is by way of economy called for by Government, I beg to inform this House that the people of my constituency will be quite satisfied even with a Munsiff-Magistrates Court. In view of this urgent necessity I beg that the local court may be made a permanent Munsiff-Magistrate's Court, exercising First Class Magisterial powers.

MR. T. C. KESAVA PILLAI: ഞാൻ ഈ ഉപക്ഷേപത്തെ ഹാർദ്ദമായി പിൻതാങ്ങുന്നു. നെടുമങ്ങാട്, നെയ്യാറിൻകര, വിളവംകോട് എന്നീ മൂന്നു താലൂക്കുകളിലും സമീപപ്രദേശങ്ങളിലും ഉള്ള ഏതാണ്ടു പകുതികളിലെ സിവിൽ ജൂറിസ്ഡിക്ഷനായി വേർതിരിച്ചുകൊണ്ടു ഈ മൂന്നു സ്ഥലത്തും ഓരോ കോടതികൾ ഇപ്പോൾ സ്ഥാപിച്ചിട്ടുണ്ട്. എന്നാൽ നെയ്യാറിൻകരമുൻസിഫ്കോടതിയിൽ ഇപ്പോൾ കുറച്ചു കൂടുതൽ കേസുകൾ ഉള്ളതായിട്ടാണ് കാണുന്നത്. ഇതിനു പ്രത്യക്ഷമായ ഒരു കാരണവും ഉണ്ട്. വിളവംകോട്ടു താലൂക്കിൽ ഉൾപ്പെട്ടതും മുൻപു അവിടത്തെ മുൻസിഫ്കോടതിയുടെ അധീനത്തിയിൽ പെട്ടിരുന്നതും ആയ പളുകൽ, കൊല്ലംകോട് എന്നീ രണ്ടു പകുതികളും സമീപകാലത്തു നെയ്യാറിൻകര മുൻസിഫ് കോടതിക്കു വിട്ടുകൊടുത്തു. അപ്പോൾ കുഴിത്തുറ മുൻസിഫ്കോടതിയിൽ അവശ്യമുള്ള കേസുകൾ ഇല്ലാതെ വന്നു. ഇപ്പോൾ നെയ്യാറിൻകരയിൽ രണ്ടു കോടതികൾ ഉണ്ട്. ഞാൻ കഴിഞ്ഞ കൊല്ലം ചോദിച്ചു

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ഒരു മോഷ്യത്തിനു ഗവണ്മെൻറു നടംകിയ മറുപടിയിൽനിന്നും കാണുന്നതു് ഈ പറഞ്ഞ രണ്ടു പകുതികളും തിരുത്തു പഴയപോലെ കുഴിത്തുറക്കു വിട്ടുകൊടുക്കുന്നപക്ഷം ഒരു കോടതി മാത്രം നെയ്യാറിൻകരയിൽ മതിയാകുമെന്നാണു്. അപ്പോൾ മി. രാമയ്യാപിള്ള പറഞ്ഞതുപോലെ നെയ്യാറിൻകരയിൽ കിടക്കുന്ന ഒരു കോടതി നിറുത്തി അതെടുത്തു നെടുമങ്ങാട്ടേക്കു സ്ഥിരമായി ഇടാവുന്നതാണു് എന്നു് എനിക്കും തോന്നുന്നു. ഞാൻ മുൻ പറഞ്ഞപോലെ മേൽപ്പറഞ്ഞ രണ്ടു പകുതികളും കുഴിത്തുറ മുൻസിഫ്കോടതിക്കു് വിട്ടുകൊടുക്കുകയും വേണം.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, it is conceded now that there is a Munsiff's Court at Nedumangad. The honourable member Mr. Ramiah Pillai's demand is that it must be made permanent. The question of making courts permanent has been for some time engaging the attention of the High Court and it forms part of a big scheme which is being looked into and experimented from time to time. The recommendations of the Law's Delays Commissioner were being considered by the High Court and they are at present of the opinion that the places where temporary courts are working need not immediately be given permanent courts, but that such courts must be kept on for purposes of working down arrears or preventing accumulation of arrears in any particular place. It does not mean that the Government or the High Court are of the opinion that the Court that is now working at Nedumangad should be taken away from that locality. This point, Sir, was brought up for discussion in the last Assembly at the instance of Mr. S. J. Nair the member who represented the constituency at the time. It was then stated by the member in charge of the Administration of Justice that the Government would consider the question, but that as it stood then, no case was made out for immediately making the court permanent. A reference to the statistics furnished to the honourable members relating to the current file and the pendency at the present moment would clearly show that the member cannot contend that the Nedumangad Munsiff's Court must forthwith be made permanent. In 1112 there were 530 original suits and 336 small cause suits filed in the Court. During the course of the year there were 993 original suits and 440 small cause suits for trial and at the end of the year 531 original suits and 323 small cause suits were disposed of so that the balance remaining at the beginning of th year was 462 original suits and 117 small cause suits. It is found that at the end of Mithunam 1113 there are pending only 464 original suits and 100 odd small cause suits. If that is the pendency in the year 1112, the question has to be very seriously considered whether after all there should be a permanent court for Nedumangad. I may be permitted to state, however, that it is not the intention of Government to disturb the court for the year 1114. But the question of making it permanent is a question which will have to be decided after further investigation. There are other

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[Mr. Puthupalli S. Krishna Pillai.]

places also, Sir, which have temporary courts and people are interested in making demands for making them permanent, because it would automatically tend to improve the amenities of the people of the locality and raise the value of land at least around the Court. Therefore, they are always interested in demanding that, but as a question of policy, Government will not be in a position to make these courts permanent without being satisfied as to the extreme necessity for making them permanent.

Sir, there is another question intimately connected with this. There are certain places where courts have been recommended to be abolished and the jurisdiction of other courts have been directed to be enlarged. The question now under consideration is one which can be considered only with this major question.

MR. M. RAMIAH PILLAI: In view of the explanation given to me by the honourable member I hope the Government will be pleased to give us a permanent Munsiff-Magistrate's Court when they think of abolishing the present Munsiff's Court.

PRESIDENT: Do you press the motion?

MR. M. RAMIAH PILLAI: No, Sir.

The motion was, by leave of the House, withdrawn.

PRESIDENT: The question before the House is that Government be granted a sum of Rs.11,52,237 under Demand VIII—Administration of Justice.

The Demand was passed and the Grant was made.

Motions Nos. 265 to 282.

The following motions lapsed as the time allotted for the Demand having expired.

MR. P. NARAYANA PILLAI:

265. To reduce the allotment of Rs. 26,940 for Magistrates by Re. 1.

MR. S. NILAKANTA PILLAI:

266. To reduce the allotment of Rs. 26,940 for Magistrates by Re. 1.

MR. K. KESAVAN:

267. To omit the allotment of Rs. 648 for Head Clerks, Copyists and peon for the 1st class Magistrates Courts Poonjar.

MR. A. THANU PILLAI:

268. To omit the allotment of Rs. 648 for Head Clerks, Copyists and peon for the 1st class Magistrates Courts Poonjar.

MR. A. THANU PILLAI:

*269. To reduce the allotment of Rs. 1,05,337 for Criminal Court by Re. 1.

MR. S. NILAKANTA PILLAI:

270. To reduce the allotment of Rs. 1,03,507 for Criminal Courts by Rs. 2.

MR. A. THANU PILLAI:

271. To reduce the allotment of Rs. 16,800 for Temporary District Court Government Pleaders by Rs. 4,200

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MR. KANNARA GOPALA PANICKAR :

272. To omit the allotment of Rs. 8,000 for fees to vakils,

MR. P. K. KUNJU :

273. To reduce the allotment of Rs. 24,720 for Conciliation Offices by Rs. 10

MR. KANNARA GOPALA PANICKAR :

274. To omit the allotment of Rs. 27,780 for establishment

MR. PULIYOOR T. P. VELAYUDHAN PILLAI :

275. To reduce the allotment of Rs. 57,398 for Conciliation offices by Rs. 5.

MR. K. P. KOCHUKORATHARAKAN :

276. To reduce the allotment of Rs. 57,398 for Conciliation Offices by Rs. 5.

MR. P. V. MATHAI CHEMPARATHY :

277. To reduce the total allotment of Rs. 11,52,237 under Demand VIII by Re. 1.

MR. N. NARAYANA KURUP :

278. To reduce the total allotment of Rs. 11,52,237 under Demand VIII by Rs. 10.

MR. M. L. JANARDANA PILLAI :

279. To reduce the total allotment of Rs. 11,52,237 under Demand VIII by Re. 1.

MR. KANNARA GOPALA PANICKAR :

280. To reduce the total allotment of Rs. 11,52,237 under Demand VIII by Re. 1.

MR. P. V. MATHAI CHEMPARATHY :

281. To reduce the total allotment of Rs. 11,52,237 under Demand VIII by Re. 1.

MR. A. THANU PILLAI :

282. To reduce the total allotment of Rs. 11,52,237 under Demand VIII by Re. 1

DEMAND IX—EDUCATION DEPARTMENT EXCLUDING TRAVANCORE UNIVERSITY.

MR. A. GOPALA MENON : Sir, I beg to move for a grant not exceeding Rs. 44,54,574 under Demand IX—Education Department excluding Travancore University.

PRESIDENT : Motion No. 283 stands in the name of P. K. Kunju.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI ; Sir, on a point of order. Motions Nos. 283-291 are not in order, because, the question involved in these motions relates to the general policy of Government.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, these are proposals to reduce the allotment intended for the Manager. The desirability of awarding full fee concession for Muslim students, hardship caused to some managements of schools on account of delay in getting grants, the introduction of compulsory primary education, these are all questions of policy, which according to the Ruling just now read out by you, Sir, could not be discussed under the head "Controlling Agencies". They are all questions relating to general policy of the Government, appropriately falling under the total grant.

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